

REMARKS

The Office Action dated January 19, 2010 has been reviewed and carefully considered. Claims 1, 6-8, 12, 18, 34, 35, 37, 38, 47 and 61 have been amended. Claims 1-72 remain in the application with claims 1, 18, 35, 47, and 60 being the only independent claims. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

In the Office Action, claim 35 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending application 12/482,864. Although applicants disagree, in the interest of furthering prosecution, enclosed is a terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d). Accordingly, applicants request removal of this rejection.

Claims 6-8, 34-35, 37, 38 and 61 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant wishes to thank the examiner for his thoroughness in pointing out the potential irregularities in the claims. Each of the rejected claims has been amended to address the specific issues raised by the examiner. With respect to claim 35 applicant wishes to note that the “object” appearing twice in the last claim element is the same object (the claim in fact, recites “said object”). This claim feature is described, *inter alia*, in the specification at lines 1-5 of

With these amendments to the claims applicant believes that the reason for the examiner's rejection under 35 USC 112, second paragraph, has been overcome. Applicant respectfully requests the rejection be withdrawn.

Claims 1-3, 10-12, 15, 17, 27-29, 32, 34-41, 44, 46-49, 52-54, 57, 59, 60, 68, 69, 71 and 72 stand rejected under 35 USC 102(e) "as being anticipated by Zon (U.S. PUGPub 2003/156973)" [Applicant assumes cited reference contains a typographical error and that PUGPub 2003/156073 was intended].

Zon relates to an apparatus for adjusting controls on adjacent monitors so that uniform displays are obtained. As cited in paragraph [0001] of his specification:

The present invention relates generally to video displays or monitors. More specifically, the present invention relates to a universal remote control and corresponding method for adjusting adjacent video display or monitors to permit output substantially identical video images.

In performing these adjustments, one monitor at a time is viewed by a camera. As each successive monitor is viewed, an identical (or substantially similar) monitor image is captured by the camera. The captured image is then analyzed and appropriate adjustments are made to the monitors so that their displayed images are uniform.

The present invention relates to a pointing device connected to a camera which views a region in space, recognizes an object in that region, and then transmits, to an electrical apparatus, interface information derived from the picture. For example, claim 1 (with amended addition underlined) reads:

1. (Currently Amended) User interaction system, comprising:

an electrical apparatus;

a portable pointing device operable by a user for pointing to a region in space;

a camera taking a picture; and

a digital signal processor, capable of receiving and processing the picture, recognizing an object in the region, and transmitting user interface information derived from the picture to the electrical apparatus,

wherein the camera is connected to the pointing device so that in operation it images the region pointed to.

Support for the “recognizing” feature can be found throughout the specification to include the

Abstract which states:

The user interaction system comprises a portable pointing device (101) connected to a camera (102) and sending pictures to a digital signal processor (120), **capable of recognizing an object** (130) and a command given by the user (100) by moving the pointing device (101) in a specific way, and controlling an electrical apparatus (110) on the basis of this recognition. [emphasis added]

Zon fails to teach this feature of the present invention. As noted above, his camera views one monitor at a time:

one of the N images generated by a respective one of the monitors 200a-200n is transmitted from camera 100 to the universal remote control device 300 via the first communications channel 350. It will be noted that the camera 100 is preferably located directly in front of the selected monitor at a distance where it is possible to view the entire **image without viewing a significant portion of the monitor's surroundings.** [emphasis added]

Zon fails to teach recognition of an object viewed by his camera. Moreover, as implied by the emphasized portion above, Zon's invention incurs problems should his camera view more than the single monitor object he is attempting to analyze.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Zon cannot be said to anticipate the present invention, because Zon fails to disclose each and every element recited. As shown, Zon fails to disclose the limitations of "recognizing an object in the region" as is recited in claim 1. Claims 35 and 47 also contain this "recognizing an object in the region" feature and are deemed patentable over Zon for at least the same reasons.

Claim 60 comprises a "localization beacon" that is used by "the digital signal processor in order to recognized to where the pointing device is pointing" (lines 8-10). As with the "recognizing an object in the region" element of claim 1, Zon's invention fails to teach or suggest this recognition feature. Moreover, as noted above, Zon has no need for such a recognition feature as his camera views only one object – the monitor he is analyzing.

Having shown that Zon fails to disclose each and every element claimed, applicant submits that claims 1, 35, 47 and 60 are allowable over Zon. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of claims 1, 35, 47 and 60.

With regard to claims 2-3, 10-12, 15, 17, 27-29, 32, 34, 36-41, 44, 46, 48, 49, 52-54, 57, 59, 60, 68, 69, 71 and 72, these claims ultimately depend from one of independent claims 1, 35, 47 and 60, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-3, 10-12, 15, 17, 27-29, 32, 34, 36-41, 44, 46, 48, 49, 52-54, 57, 59, 60, 68, 69, 71 and 72 are also allowable by virtue of their dependence from an allowable base claim.

Claims 4, 9, 13, 14, 16, 18-26, 30, 31, 33, 42, 43, 45, 50, 51, 55, 56, 58, 61-67 and 70 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zon in view of Silverstein (EP 1130906).

Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for these §103 rejections. A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

Claim 18 has been amended to include the feature of claim 1 discussed above -- "recognizing an object in the region." As noted above with the discussion of claim 1, Zon fails to contain this feature. Applicant submits that Silverstein also fails to teach or suggest this feature. Thus, as the combined device resulting from the teachings of the cited references does not include all the elements of claim 18, the reasons for the Examiner's §103 rejection of this claim have been overcome and can no longer be sustained.

As claims 4, 9, 13, 14, 16, 19-26, 30, 31, 33, 42, 43, 45, 50, 51, 55, 56, 58, 61-67 and 70 also contain this "recognizing an object in the region" feature by dependency from one of claims 1, 18, 35, 47 and 60, they are also allowable for the same reasons.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Thomas Onka", written over a horizontal line.

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